IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R.No.63 of 1992
Date of decision: 19.10.2006

The Commissioner of Income-Tax, Jalandhar

..Applicant
through
Dr. N.L.Sharda, Advocate

v.

M/s Krishna & Co. Kikkar Bazar, Bhatinda

..**Respondent**
through
Nemo

CORAM:

Hon'ble Mr.Justice K.S.Garewal
Hon'ble Mr.Justice Rajesh Bindal

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Rajesh Bindal, J.

At the instance of the Revenue, the Income-tax Appellate Tribunal, Amritsar Bench (for short, `the Tribunal') has referred, under Section 256(1) of the Income-tax Act, 1961 (for short, `the Act'), the following question for the opinion of this Court arising out of ITA No. 128(ASR)/1987, pertaining to the assessment year 1984-85:

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law in deleting the addition of Rs. 1,76,022/- on account of sales-tax liability, made by the Assessing Officer under Section 43B of the Act as amended by the Finance Act, 1987?"

At the very out-set, learned counsel for the Revenue submitted that the issue raised in the present case is squarely covered by a judgment of Hon'ble the Supreme Court in Allied Motors (P.) Ltd. v. Commissioner of Income-Tax, (1997) 224 ITR 677.

Following the judgment, referred to above, we answer the question

against the Revenue and in favour of the assessee.

The reference is disposed of in the manner indicated above.

(Rajesh Bindal)
Judge

(K.S.Garewal)
Judge

19.10.2006
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